

Kindly cancel Claim 42 without prejudice and without disclaimer of the subject matter thereof.

REMARKS

Claims 1-58 are pending in the application. By this Amendment, Applicants have amended Claim 33, and canceled Claim 42. Claims 1-41 and 43-58 remain pending in the application.

Priority

Applicants respectfully submit that certified copies of the foreign priority documents have been transmitted previously by the International Searching Authority. Submitted herewith are verified translations of each priority document. Furthermore, Applicants respectfully submit that this application is a 35 U.S.C. §371 Application of International PCT Application JP97/04643 which was filed on December 16, 1997.

Claim Rejections under 35 U.S.C. §§102 and 103.

The sole reference relied upon for rejecting the claims under 35 U.S.C. §§102 and 103 is European Patent Application 0806786A1, which was published on November 12, 1997. Applicants respectfully submit that pursuant to 35 U.S.C. §§120 and 371 and others, the effective filing date of the present application is the International PCT filing date, December 16, 1997. Accordingly, calculation of the one year grace period yields a critical date of December 16, 1996. EP '786 which published on November 12, 1997, therefore, falls within the grace period and is not available as prior art. Applicants also note the EP '786 was also filed within the one year grace period. Applicants respectfully request that the rejections be withdrawn as based on a reference which is not available as prior art.

Applicants furthermore respectfully submit that the inventors were in possession of the invention as early as December 17, 1996, as indicated by the foreign priority claims.

Early reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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